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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,584	02/28/2002	Robert J. Ward	INVSC.4	9027
7590	05/18/2005		EXAMINER	
Robert J. Ward 3313 Hidalgo Street Irving, TX 75062			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/086,584

Applicant(s)

WARD ET AL.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 44-48, 54 and 60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-48, 54 and 60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### **DETAILED ACTION**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outer cloth material (cl. 46) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 44, 46, 54, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carswell (5927489) or Verge (5419477) in view of Shih (6138727). Carswell teaches an apparatus having an outer layer 20 having a top portion, a bottom portion, an interior surface an opening formed at the bottom portion, an internal volume with the material being waterproof and a moisture absorbent member 12 operable to be inserted through the opening of the bottom

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portion, and a hook 14 (col. 5, ln. 1). The absorbent member is capable to receive the grip of a shaft of a golf club and operable to be disassembled from the outer layer (col. 5, ln. 50), a hook 14 (col. 5, ln. 1). Verge teaches an apparatus having an outer layer and an inner layer 22.

Either Carswell or Verge meets all claimed limitations except for the material being a foam material. Shih teaches that it is known in the art to provide a cover being made from foam material col. 3, ln. 21. It would have been obvious to one of ordinary skill in the art to make the cover from foam material in either Carswell or Verge as taught by Shih to provide an alternative material.

Regarding claim 46, note the cloth coated cloth layer (col. 3, ln. 22).

Regarding claim 54, note neoprene in col. 3, ln. 22.

Regarding claim 60, note the elliptical shape about portion 30 in Fig. 3.

3. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Carswell or Verge rejection as set forth above in view of Lamonakis et al. (5372414). It would have been obvious to one of ordinary skill in the art to provide absorbent layer being a rectangular shape in Carswell as taught by Lamonakis to provide an alternative inner layer.

4. Claims 44, 46, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carswell (5927489) or Verge in view of Solheim (4667716). Either Carswell or Verge teaches an apparatus as claimed. Either Carswell or Verge or meets all claimed limitations except for the material being a foam material. Solheim teaches that it is known in the art to provide a cover being made from a closed foam material. It would have been obvious to one of ordinary skill in the art to make the cover from foam material in either Carswell or Verge as taught by Solheim to provide an alternative material.

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Regarding claim 47, note closed-cell foam, polyethylene foam, col. 5, ln. 45.

5. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Carswell or Verge rejections in paragraphs 1 and 3, and further in view of Sessler (3913648). It would have been obvious to one of ordinary skill in the art to provide a logo in either Carswell or Verge as taught by Sessler to provide advertisement.

6. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over the either Carswell or Verge rejections in paragraphs 1 and 3, and further in view of Lamonakis et al. (5372414). To the degree it is argued that Carswell does not teach the elliptical opening. It would have been obvious to one of ordinary skill in the art to provide an elliptical opening in Carswell as taught by Lamonakis to provide the desired opening for the cover.

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (571)272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai  
Primary Examiner  
Art Unit 3727

